

Docket No. ETH1685USCIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Arindam Datta, et al. Confirmation No.: 8257
Appln. No. : 10/602,338
Filed : June 24, 2003
Title : BIODEGRADABLE STENT

Art Unit : 3731
Examiner : Uyen T. Ho

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July 6, 2006

(Date of Deposit)

E. Richard Skula

(Name of applicant, assignee, or Registered Representative)

/E. Richard Skula, Reg. No. 31,061/

(Signature)

July 6, 2006

(Date of Signature)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

This is in response to the Office Action of March 13, 2006 issued for the above-identified patent application. The period for response has been extended by one (1) month to July 13, 2006 by the enclosed petition for extension of time.

In that Office Action the Examiner rejected claims 1-22 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,338,739. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are obvious variants.

Claims 1-22 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 6,423,092.

Claims 1-22 were provisionally rejected on the ground of nonstatutory obviousness- type double patenting as being unpatentable over claims 1-17 of copending Application No. 10/256,942.

Claims 1-22 were rejected on the ground of nonstatutory obviousness- type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,537,312.

The Examiner also rejected claims 1-22 are rejected under U.S.C. 103(a) as being unpatentable over Wang et al. (WO98/46312) in view of Jamiolkowski et al. (U.S. 4,889,119).

Amendments to the Claims are reflected in the listing of claims, which begins on page 3 of this paper.

Remarks/Arguments begin on page 7 of this paper.